

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

HOWARD RANDALL, TRUSTEE, HOWARD
& GALE RANDALL TRUST FBO
KIMBERLY RANDALL IRREVOCABLE
TRUST UA FEB 15, 2000, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff(s),

v.

FIFTH STREET FINANCE CORP., FIFTH
STREET ASSET MANAGEMENT, INC.,
LEONARD M. TANNENBAUM, BERNARD
D. BERMAN, ALEXANDER C. FRANK,
TODD G. OWENS, IVELIN M. DIMITROV,
and RICHARD A. PETROCELLI

Defendants.

ROBERT J. HURWITZ, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff(s),

v.

FIFTH STREET FINANCE CORP., FIFTH
STREET ASSET MANAGEMENT, INC.,
LEONARD M. TANNENBAUM, BERNARD
D. BERMAN, ALEXANDER C. FRANK,
TODD G. OWENS, IVELIN M. DIMITROV,
and RICHARD A. PETROCELLI

Defendants.

Case No. 1:15-cv-07759-LAK

CLASS ACTION

**NOTICE OF MOTION AND
MOTION OF ROBERT J.
HURWITZ FOR
CONSOLIDATION,
APPOINTMENT AS LEAD
PLAINTIFF AND APPROVAL
OF COUNSEL**

Case No. 1:15-cv-08908-LAK

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that on a date and time as may be set by the Court, at the United States District Court for the Southern District of New York, Robert J. Hurwitz (“Hurwitz”) will

respectfully move this Court, pursuant to Section 21D(a)(3) of the Securities Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), for the entry of an Order: (1) consolidating the above-captioned related actions; (2) appointing Hurwitz as Lead Plaintiff on behalf of all persons and entities that purchased or otherwise acquired securities of Fifth Street Finance Corp. (“Fifth Street Finance” or the “Company”) between July 7, 2014 and February 6, 2015, both dates inclusive (the “Class Period”); (3) approving Lead Plaintiff’s selection of Pomerantz LLP as Lead Counsel for the Class; and (4) granting such other and further relief as the Court may deem just and proper.

In support of this Motion, Hurwitz submits a Memorandum of Law, the Declaration of Jeremy A. Lieberman filed herewith, the pleadings and other filings herein, and such other written and oral argument as may be permitted by the Court.

Dated: November 30, 2015
New York, New York

Respectfully submitted,

POMERANTZ LLP

s/Jeremy A. Lieberman

Jeremy A. Lieberman

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Counsel for Movant and

Proposed Lead Counsel for the Class